

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Marco BALERO-Escobar,

Defendant

Magistrate Docket No. 08-11-AM-10-0768

FILED
08 MAR 11 AM 10:07 68
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

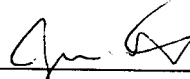
COMPLAINT FOR VIOLATION OF:
DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **March 10, 2008** within the Southern District of California, defendant, **Marco BALERO-Escobar**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11th DAY OF MARCH 2008


Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On March 10, 2008, Senior Border Patrol Agent M. Mora was assigned line-watch duties in the Imperial Beach Border Patrol Station area of operations. At approximately 4:20 AM, Agent Mora was advised by a (RVSS) Remote Video Surveillance System operator of a group of people running north from the secondary fence in an area known as the "Echo Three." This area is approximately 200 yards north of the United States/Mexico International Boundary and approximately 1/4 mile east of the San Ysidro, California Port of Entry.

Agent Mora responded to the area and was able to detain ten subjects. Agent Mora identified himself as a United States Border Patrol Agent and questioned each individual as to their citizenship. All ten, including one later identified as the defendant **Marco BALERO-Escobar**, stated that they were citizens and nationals of Mexico with no proper immigration documents that would allow them to enter or remain in the United States legally. At approximately 4:45 A.M., Agent Mora arrested all individuals including the defendant and all subjects were transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on February 11, 2008 through Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally. The defendant stated he was going to Los Angeles, CA.